



Land Use Management
509 W 5th Street
Red Wing, MN 55066

TO: Goodhue County Board of Commissioners
FROM: Samantha Pierret, Goodhue County Zoning Administrator/Interim LUM Director
DATE: June 13, 2024

RE: Cannabis Moratorium Update

Background:

The Minnesota Legislature amended Chapter 342 of MN Statutes to expedite Minnesota's new cannabis industry by allowing social-equity applicants to be selected via a vetted lottery system to start their business operations earlier than had been allowed by the original law. Under the new rules, social-equity applicants may be eligible to grow cannabis for the market by the end of 2024 for retail sales in 2025.

Goodhue County does not have a cannabis ordinance, zoning regulations, or a registration procedure for new businesses.

At the June 4, 2024 County Board meeting, there was consensus among the Board for staff to prepare a cannabis moratorium to the County time to prepare ordinances, application processes for future applicants, and work with our Cities on delegation. Due to State of Minnesota public notice requirements, the earliest County Board meeting this moratorium may be considered at is on July 3, 2024. Attached is a draft of the proposed moratorium.

Recommendation:

No action is required at this time. Staff will bring the formal moratorium for a public hearing on July 3, 2024.

Find your Good here.

INTERIM ORDINANCE NO.: 2024-1

**RESOLUTION ADOPTING AN EMERGENCY INTERIM ZONING ORDINANCE
INSTITUTING AN EMERGENCY MORATORIUM ON CANNABIS**

Whereas, the Goodhue County Zoning Ordinance does not contain standards for the regulation of the cannabis industry; and

Whereas, the Goodhue County Board of Commissioners has reviewed the recent Minnesota Statutes with respect to cannabis industry and believes regulations are necessary to protect public health, safety, and general welfare; and

Whereas, Minn. Stat. Sec. 342.13 specifically authorizes local governments to adopt interim ordinances for the purpose of protecting the planning process related to implementation of the new cannabis legislation.

Whereas, Minn. Stat. Ch. 342 provides for the newly created Office of Cannabis Management to work with local governments in the development of model ordinances for reasonable restrictions on the time, place, and manner of the operation of cannabis businesses.

Whereas, pursuant to Minnesota Statute § 394.34, the Goodhue County Board of Commissioners deems it necessary to adopt an Interim Ordinance placing a moratorium on the location, establishment, and finalization of new and pending cannabis industry locations and uses until January 1, 2025 to permit the planning process to take place and to allow County staff, the Planning Commission and the County Board sufficient time to proceed in an orderly fashion to make any necessary changes, modifications and updates to the County's Official Controls.

Whereas, an emergency situation exists and a temporary emergency moratorium is necessary to protect public health, safety, and general welfare until public hearings can be conducted on a longer term ordinance; and

Whereas, the Goodhue County Board of Commissioners finds:

1. A temporary emergency zoning ordinance instituting a moratorium prohibiting new or pending cannabis industry certifications, locations and uses is necessary in order to hold discussions and hearings to determine whether a longer-term zoning ordinance shall be adopted and implemented, to protect the public health, safety, and general welfare of the residents of Goodhue County.
2. An emergency exists because based on the recent Minnesota Statutory law changes as well as the comments received from the community, the townships, and the cities, the Goodhue County Zoning Ordinance does not afford the protection needed to ensure that the residents of Goodhue County are not adversely affected.
3. It is in the interests of public health, safety, and the general welfare to impose a temporary moratorium until a public hearing can be noticed and a permanent ordinance can be published pursuant to Minn. Stat. § 375.51.

NOW, THEREFORE, the Goodhue County Board of Commissioners Hereby Ordains:

- Section 1. A moratorium is hereby imposed by this Ordinance regarding the operation of Cannabis Businesses within Goodhue County. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business, as that term is defined in Minn. Stat. 342.01 Subd. 14, within Goodhue County.
- Section 2. Temporary Restrictions on Cannabis Industry Zoning and Permitting. Until January 1, 2025, or until such earlier time as the Goodhue County Board of Commissioners determines by resolution that the reasons for the interim ordinance no longer exist, no new or pending applications for cannabis application certification, zoning, rezoning, or land use permits (including, without limitation, permitted, interim use or conditional use permits) for any cannabis industry related use shall be accepted, processed or approved by the County.
- Section 2. Definitions and Application. The terms “Cannabis Industry” means every item, product, person, process, action, business, or other thing related to cannabis flower and cannabis products and subject to regulation under this chapter
- Section 3. Enforcement. Goodhue County may enforce any provision of this Ordinance by any and all means authorized by Goodhue County Ordinances and State Statutes.
- Section 4. Effective Date. This Ordinance shall take effect on the date of its passage and shall be in effect until January 1, 2025, unless earlier terminated by the Goodhue County Board of Commissioners.
- Section 5. Severability. Every section, provision, or part of this Interim Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Todd Greseth
Chair, Goodhue County Board of Commissioners

ATTEST:

Scott Arneson
Goodhue County Administrator